

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 11, 1988

ALL-COUNTY INFORMATION NOTICE NO: 1-40-88

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: WELFARE RECIPIENT'S LEAGUE V. WOODS

REFERENCES: ACL 82-15; ACL 84-15

This letter is to inform you that on April 21, 1988, the California Supreme Court denied the Department's petition for review of the January 29, 1988 Court of Appeal ruling upholding the preliminary injunction in the Welfare Recipient's League (WRL) v. Woods court case.

Attached for your INFORMATION only is a draft All-County Letter (ACL) and instructions to implement the WRL injunction. On May 3, 1988, the Department sent the attached ACL to the Department of Finance (DOF) to obtain legislative approval to issue the letter. The Budget Act requires the Department to obtain such approval since this ACL would add to program costs funded out of the general fund in excess of \$500,000 on an annual basis. We will release a final version of the letter as soon as we obtain DOF and legislative approval for implementation. The advance copy is being sent to you for planning purposes only.

If you have any questions about implementing the WRL injunction, please contact Ms. Kay Silva at (916) 324-2725.

A handwritten signature in dark ink, appearing to read "Robert A. Horel", is written over the typed name.

ROBERT A. HOREL
Deputy Director

Attachments

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



ALL COUNTY LETTER NO.

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF PRELIMINARY INJUNCTION IN THE WELFARE RECIPIENT'S LEAGUE V. WOODS COURT CASE.

REFERENCE: ACL 82-15, ACL 84-15

On February 4, 1982, the Superior Court of the County of Sacramento issued a preliminary injunction in the Welfare Recipient's League v. Woods court case enjoining the Department from applying current immediate need regulations to the extent that the regulations require that as a condition of eligibility for "immediate need", an applicant must be in an "emergency situation".

On January 29, 1988, the State Court of Appeal upheld the Superior Court decision finding the current immediate need regulations (EAS 40-129.2) to be invalid and the preexisting regulation to be in full force and effect. On April 21, 1988, the California State Supreme Court denied the state's petition for review of the appellate court's decision and therefore, the preliminary injunction is now in effect (copy attached).

In compliance with the injunction, the counties are instructed to cease applying regulations at EAS 40-129.2 effective the date of the order, April 21, 1988. The counties are also instructed to determine immediate need based upon the definition provided in the pre-1978 regulation at EAS 40-129.1.

PRE-1978 DEFINITION OF IMMEDIATE NEED:

The definition of immediate need existing prior to the 1978 revision is reproduced below and is again in effect as of April 21, 1988.

40-129

1. Definition

- .1 "Immediate need" exists when the applicant's current income and/or liquid resources are insufficient to meet his expenses for food, clothing, shelter, medical care or other nondeferrable needs during the period of evaluation.
- .11 For purposes of this section "liquid resources" means resources which are immediately available and reasonably convertible to cash before the first aid payment would normally be received. These may include cash, negotiable securities, and similar resources but do not include cash surrender value of insurance, trust deeds, household items and furnishings, personal effects, motor vehicles, or real property.

- .12 The county shall always be alert to situations of immediate need at the time of application whether by letter, telephone, or in person. The county shall inquire of the applicant as to his immediate situation and the means he has for meeting current necessities and obligations for living costs in order to determine whether he needs immediate aid. A similar determination shall be made for a medically needy person for whom a change in status to a cash grant recipient is requested or is otherwise indicated.
- .13 Individuals presently receiving aid under any of the categorical aids are not considered to be in immediate need.

In its ruling, the Court further clarified that eligibility for immediate need includes:

"applicants who have insufficient current income and/or resources to pay rent or mortgage payments due and owing, or utility bills due and owing whether or not they have received a notice of eviction, notice of default, or notice of termination of utility service".

IMPLEMENTATION OF THE ORDER

The preliminary injunction prohibits the counties from denying immediate need to applicants who are otherwise eligible if the applicant meets the eligibility conditions set out above. The \$100 resource test for immediate need in current regulation is also invalidated by the order. The Department is required to implement the order immediately upon the Supreme Court's denial of its petition for review (April 21, 1988). Therefore, the counties are instructed to apply the court ordered definition to all currently pending applications. Current applicants for AFDC whose immediate need request has already been denied, but who would be eligible for an immediate need payment under the court-ordered definition, shall be authorized immediate need effective the date of denial.

IMMEDIATE NEED SCREENING:

Due to the now obsolete definition of immediate need on the CA 1, counties must provide the attached reproducible notice to all applicants. In addition, counties must ensure that every applicant indicates whether or not he/she is applying for immediate need by checking the appropriate yes/no box on the CA 1. The notice explains the changes to the immediate need rule and must be given to applicants at the time they are provided the CA 1. Translations of the notice into the five standard languages will be issued as soon as possible.

If you have any questions, please contact Ms. Kay Silva at (916) 324-2725.

ROBERT A. HOREL
Deputy Director

IMPORTANT NOTICE

The Rules About Immediate Need Have Changed

There are some new rules about who can get an Immediate Need payment of up to \$100. The new rule says that as an applicant for cash aid, you may get a payment if you do not have enough current income and resources to pay for your needs during the time it takes the county to process your application. These needs can be for:

- o Food
- o Clothing
- o Medical Care
- o Rent or mortgage payments which are due
- o Utility bills which are due
- o Other expenses for basic needs which can't be put-off

You do not need an eviction notice or a shut-off notice.

You must be apparently eligible for Aid to Families with Dependent Children (AFDC).

If you think you meet the rule, tell us.

79-87
b. Stone

Accepted
Prod
5 FEB 13 1982

ENDORSED:

Filed _____

FEB - 4 1982

J. A. SIMPSON, CLERK
By B. Stone, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

WELFARE RECIPIENTS LEAGUE, INC.,)
KATHERINE GRAHAM and MARY NORMAN,)
Plaintiffs and Petitioners,)
v.)
MARION WOODS, Director, Department of)
Benefit Payments, State of California,)
Defendant and Respondent.)

NO. 268972

~~PROPOSED~~ PRELIMINARY
INJUNCTION

The above-matter was heard in Department 23, on October 21, 1981, pursuant to Motion for Preliminary Injunction. Daniel P. Murphy appeared as attorney for plaintiffs, and Robert F. Tyler appeared as attorney for defendant. The matter having been fully argued and submitted, and proof being made to the satisfaction of the Court, and good cause appearing,

IT IS HEREBY ORDERED that during the pendency of this action or until further order of the Court, the defendant, his agents, officers, employees, and representatives, and all persons acting in concert or participating with them are hereby enjoined

1 as follows:

2 1. From refusing to grant immediate need AFDC benefits
3 to AFDC applicants, who are otherwise eligible therefore, when
4 the applicants' current income, and/or liquid resources (Manual
5 of Policies & Procedures § 40-129.21) are insufficient to meet
6 his or her expenses for food, clothing, shelter, medical care or
7 other nondeferrable needs during the period of evaluation of the
8 application, including applicants who have insufficient current
9 income and/or resources to pay rent or mortgage payments due and
10 owing, or utility bills due and owing, whether or not they have
11 received a notice of eviction, notice of default, or notice of
12 termination of utility service (former Manual of Policies &
13 Procedures § 40-129).

14 The term "otherwise eligible" in the preceeding para-
15 graph means: (a) the applicant family is apparently eligible
16 for AFDC (Manual of Policies & Procedures § 40-129.431(a); (b)
17 their eligibility cannot be verified, and an aid payment issued,
18 within the required time to make an immediate need payment, i.e.,
19 by the working day following the day the applicant indicated that
20 she or he was in immediate need, and thus a special issuance or
21 expedited grant payment is not possible (Manual of Policies &
22 Procedures §§ 40-129.3, 40-129.42, 40-129.43); (c) the family
23 has cooperated with the county welfare department in the applica-
24 tion process (Manual of Policies & Procedures § 40-129.431(b));
25 and, (d) the county welfare department cannot provide the needed
26 item or service within the required time to make an immediate

1 need payment, i.e., by the working day following the day the
2 applicant indicated that he or she was in immediate need (Manual
3 of Policies & Procedures §§ 40-129.3, 40-129.433).

4 2. From failing to notify all county welfare departments
5 within 24 hours of service, that they are to grant immediate need
6 AFDC benefits to applicants for AFDC, who are otherwise eligible,
7 when the applicants' current income and/or liquid resources are
8 insufficient to meet his or her expenses for food, clothing, shelter,
9 medical care or other nondeferrable needs during the period of
10 evaluation of the application, including when the applicant has
11 insufficient current income and/or liquid resources to pay rent
12 due and owing, or utility bills due and owing, regardless of
13 receipt of a notice of eviction or notice of termination of
14 utility service, and to take all necessary steps to insure that
15 this injunction is complied with.

16 3. From destroying, or allowing to be destroyed, the
17 records of application of all AFDC recipients who, as a result
18 of that application, were ultimately determined to be eligible
19 and whose beginning date of aid was determined to be the first of
20 the month following the date of application pursuant to Manual of
21 Policies & Procedures § 44-317.12.

22 4. From failing to notify forthwith all county welfare
23 departments that they are not to destroy any records of application
24 for AFDC of any person who as a result of that application, was
25 ultimately determined to be eligible, and whose beginning date of
26 aid was determined to be the first of the month following the date

1 of application.

2 The term "application" and "applicant" used herein
3 throughout has the same meaning as Manual of Policies & Procedures
4 §§ 40-103.4 and 40-103.5, respectively.

5 IT IS FURTHER ORDERED that the Preliminary Injunction
6 shall issue without plaintiffs being required to file a bond.

7 DATED: FEB 4 - 1982

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BENJAMIN A. DIAZ

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BENJAMIN A. DIAZ
JUDGE OF THE SUPERIOR COURT

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Approved as to form:

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Per telephone conversation with
13 Robert Tyler on January 29, 1982.

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